

1977

c 109 The Gty of Toronto Act, 1977

Ontario

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CHAPTER 109

An Act respecting the City of Toronto

Assented to December 16th, 1977

WHEREAS The Corporation of the City of Toronto, herein called Preamble
the Corporation, hereby applies for special legislation in respect
of the matters hereinafter set forth; and whereas it is expedient to
grant the application;

Therefore, Her Majesty, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as follows:

1. Where, by law, the council of the Corporation is required Hearings by
committee
authorized
before doing any act, including the passing of a by-law, or
the making of any decision to hear interested parties or to
afford them an opportunity to be heard, the council may
authorize a committee of council, including the executive
committee, to conduct the hearing in the place and stead of
the council and the hearing when so conducted shall be in all
respects as valid and effectual as if conducted by the council.
2. Notwithstanding any general or special Act, the council of Temporary
closing
of highways
the Corporation may, by by-law, assign to the executive com-
mittee or such standing committee of council as is named in
the by-law the authority to allow the use of a highway under a
permit to be issued by the Commissioner of Public Works of
the Corporation or such other official as is named in the by-law
for social, recreational, community or athletic purposes for any
period not to exceed twenty-four hours upon such conditions,
including a fee for the permit, as may be set out in the by-law
and to permit for such period the physical closing of the high-
way or part of the highway to vehicular traffic provided local
access for residents and emergency vehicles is maintained.
3. Section 4 of *The City of Toronto Act, 1975* (No. 2), being 1975,
c. 117, s. 4,
amended
chapter 117, is amended by renumbering subsections 4, 5 and 6
as 5, 6 and 7, respectively, and by adding thereto the following
subsection:

Signs, etc.,
indicating
discrimina-
tion
prohibited

(4) The council of the Corporation may by by-law prohibit any person from publishing or displaying or causing to be published or displayed or permitting to be published or displayed any notice, sign, symbol, emblem or other representation indicating discrimination or an intention to discriminate where the discrimination is prohibited by a by-law passed under subsection 3.

1936,
c. 84, s. 6,
amended

- 4.—(1) Section 6 of *The City of Toronto Act, 1936*, being chapter 84, as amended by the Statutes of Ontario, 1941, chapter 81, section 3, 1955, chapter 117, section 4, 1956, chapter 125, section 4, 1960, chapter 170, section 3, 1967, chapter 131, section 6, 1970, chapter 168, section 1, 1971, chapter 130, sections 3 and 4, 1973, chapter 213, section 10, 1974, chapter 161, sections 1 and 5, 1975, chapter 116, section 5 and 1976, chapter 105, section 4, is further amended by adding thereto the following subsection:

Effect of
inconsistency
R.S.O. 1970,
c. 349

(49) Notwithstanding *The Planning Act*, the inconsistency of any provision of this section with any provision of *The Planning Act* governing the same or similar subject-matter does not operate, and shall be deemed never to have operated, to repeal any provision of this section to the extent of such inconsistency, and a by-law passed within the authority of this section continues good and valid notwithstanding such inconsistency.

1971,
c. 130, s. 11,
amended

- (2) Section 11 of *The City of Toronto Act, 1971*, being chapter 130, as amended by the Statutes of Ontario, 1974, chapter 161, section 6 and 1975, chapter 116, section 6, is further amended by adding thereto the following subsection:

Effect of
inconsistency
R.S.O. 1970,
c. 349

(35) Notwithstanding *The Planning Act*, the inconsistency of any provision of this section with any provision of *The Planning Act* governing the same or similar subject-matter does not operate, and shall be deemed never to have operated, to repeal any provision of this section to the extent of such inconsistency, and a by-law passed within the authority of this section continues good and valid notwithstanding such inconsistency.

1972,
c. 189, s. 2,
amended

- (3) Section 2 of *The City of Toronto Act, 1972*, being chapter 199, is amended by adding thereto the following subsection:

Effect of
inconsistency
R.S.O. 1970,
c. 349

(6) Notwithstanding *The Planning Act*, the inconsistency of any provision of this section with any provision of *The Planning Act* governing the same or similar subject-matter does not operate, and shall be deemed never to have operated, to repeal any provision of this section to the extent of such

inconsistency, and a by-law passed within the authority of this section continues good and valid notwithstanding such inconsistency.

5.—(1) Notwithstanding any general or special Act,

Authority to
integrate
steam
systems

- (a) the Corporation is authorized and empowered to construct a system integrating the steam plants and steam distribution systems owned or operated by Her Majesty in right of Ontario, Toronto Hospitals Steam Corporation, the Toronto Electric Commissioners, The Governing Council of the University of Toronto or by any other body, and in connection therewith to exercise all of the powers set forth in *The Public Utilities Act* to such extent as is necessary to implement the memorandum of intent set forth in the Schedule hereto; and

R.S.O. 1970,
c. 390

- (b) the Corporation is empowered to enter into agreements with respect to the financing and operation of the system referred to in clause *a* and may sell, lease or otherwise dispose of any works, material or equipment used for or in connection with the production or distribution of steam and subsection 5 of section 37 of *The Public Utilities Act* shall not apply thereto, provided that the Corporation shall not sell, lease or otherwise dispose of any works, material or equipment heretofore entrusted to the control and management of the Toronto Electric Commissioners without its prior consent.

Power
respecting
agreements
and sale

- (2) Subsection 1 of section 293 of *The Municipal Act* shall not apply so as to require the assent of electors to any by-law authorizing an agreement entered into pursuant to this section.

Assent of
electors
dispensed
with
R.S.O. 1970,
c. 284

6. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

7. The short title of this Act is *The City of Toronto Act, 1977*.

Short title

SCHEDULE

MEMORANDUM OF INTENT

Entered into as of the 15th day of November, 1976.

AMONG:

HER MAJESTY THE QUEEN in right of the Province of Ontario, as represented by the Ministry of Government Services (the "Ministry");

and

THE CORPORATION OF THE CITY OF TORONTO (the "City");

— and —

TORONTO HOSPITALS STEAM CORPORATION ("HSC");

-- and

TORONTO ELECTRIC COMMISSIONERS ("Toronto Hydro");

and —

THE GOVERNING COUNCIL OF THE UNIVERSITY OF TORONTO, a corporation continued by special Act of the Province of Ontario (the "University").

PREAMBLE

The parties to this Memorandum of Intent (the "Memorandum") have been involved over the past two years in a discussion of the recommendations pertaining to the integration of the steam plants and distribution systems owned and operated by the Ministry, HSC, Toronto Hydro and the University (hereinafter collectively referred to as "the Participants") in the City of Toronto as set forth in the District Heating Study (the "Study") dated December, 1973. Throughout the course of their deliberations the Participants have considered the benefits that may be derived from integration through the improvement of the environment, the orderly phasing out of the Pearl Street plant of Toronto Hydro, the construction of a new steam plant by or on the direction of the City which will in part be refuse-fired (the "New Plant"), and the ability of an integrated system to conserve and utilize available fuels more effectively than could be done by the Participants operating separately.

In working towards integration the Participants have reviewed the alternatives set forth in the Study and it has been accepted in principle that once the New Plant is on line and refuse is available to fire it throughout the year it would be desirable to use the New Plant as the base plant for the integrated system, at which time a utility would be required to operate the integrated system and all of the steam plants supplying steam to it. The concept of a strong operating utility with qualified management has been expressed as a necessity in the Study and by at least two of the Participants; however, in the initial stages the University has expressed the preference of entering into trading arrangements with the utility.

In reviewing the status of each of the Participants the uniqueness of HSC as a separate corporate steam utility with outstanding contractual arrangements under its Trust Deed dated the 15th of December, 1972 and

with its institutional customers and the Ministry of Health became apparent along with the desire to retain such arrangements in place, if possible.

PROPOSAL

1. Based upon the foregoing, it is proposed that HSC be designated as the operating utility and that it proceed to acquire by purchase or lease the distribution systems of Toronto Hydro and the Ministry and that it enter into a trading agreement with the University until such time as the University becomes a full participant. The trading agreement with the University will permit HSC to purchase steam which is excess to the requirements of the University from the University at the University's cost of manufacture plus a small profit element but without including in such costs any provision for debt servicing.

2. Until such time as the constating documents of HSC have been amended to reflect its status as the operating utility a management committee will be established to be composed of nominees of the Participants and the City and such other government bodies or organizations as the Participants may from time to time determine.

3. The cost of integration will be paid for by the City. The construction of the integration of the existing systems will be under the direction of the Commissioner of Public Works who will consult with the management committee and obtain from it such approvals as may be required from time to time.

AGREEMENT IN PRINCIPLE

The Participants do hereby express their agreement in principle to the integration of their respective steam systems in the manner referred to above and undertake to work towards the preparation of a definitive integration agreement and protocol.

CONDITIONS

Without limiting the right of any Participant to require any additional terms or conditions to be included in the definitive integration agreement or the legislation that will serve to authorize, create and define the "Integrated System" and the rights and obligations of the Participants therein, it is agreed or acknowledged that:

- (1) the Ministry of the Environment has required Toronto Hydro to prepare and implement a program of compliance with respect to the Pearl Street plant and in order to meet the requirements of the City such program will involve the ultimate phasing out of the operations of the Pearl Street plant;
- (2) the hospitals that are the customers of HSC must be assured of a continuance of supply of steam throughout the year and must also be assured of a source of supply that will meet any additional requirements they may have in the future as a result of the expansion or modification of any of their existing facilities;
- (3) all enabling legislation and all required approvals and financial commitments of those Ministries of the Provincial Government, City Council, Metropolitan Council and the Ontario Municipal Board must be obtained; it is further acknowledged by the Participants that the obligation to be assumed by the City under the definitive integration agreement must be authorized by an appropriate statute of the Legislature of the Province of Ontario

and that the Ministry of Health must approve supplemental funding to cover any increase in the cost of steam supplied to user hospitals as a result of integration;

(4) the economic feasibility

(i) of the Integrated System,

(ii) the New Plant, and

(iii) the unit cost of steam to be distributed through the Integrated System

is to be established to the satisfaction of all Participants after due consideration of the existing and anticipated fuel supplies;

(5) the City is to be able to provide to the Participants and to the Integrated System assurances or guarantees of financing, completion and performance which are reasonable in the circumstances;

(6) all ancillary approvals and consents to the use of HSC as the utility must be obtained and on terms and conditions acceptable to HSC and the parties to the Steam Supply Agreement made as of the 15th day of December, 1972 between HSC and the four hospitals named therein;

(7) suitable arrangements are to be made with respect to the repayment or assumption of the net outstanding debt of the District Steam Utility of Toronto Hydro at the time the distribution system of Toronto Hydro is acquired by HSC;

(8) arrangements satisfactory to the Participants are to be made for the utilization by HSC or the New Plant of the personnel employed by the Ministry and Toronto Hydro in their respective steam utility systems at the time the distribution system of each of the aforementioned Participants is acquired by purchase or lease by HSC.

* * * * *

By signing this Memorandum each of the parties hereto does hereby undertake to use its best efforts consistent with its own interests to perform or obtain compliance with the conditions herein set forth and any other conditions that may arise to the extent that it is within the reasonable capability of such party and will not prejudice any such party by so doing.

In order to facilitate the immediate formation of a management committee each of the parties will provide the chairman of the Integration Committee with the name of its representative on the management committee forthwith after the execution of this Memorandum, and each Participant shall be entitled to representation on the management committee. The management committee shall have power to enlarge its membership by the addition thereto of representatives from other organizations and ministries of the Province and by permitting any entity represented on the management committee to have more than one individual representing it.

APPROVED AS TO FORM

W. R. Lellan

CITY SOLICITOR GENERAL

HER MAJESTY THE QUEEN in right
of the Province of Ontario, as
represented by the Ministry of
Government Services

[Signature]

THE CORPORATION OF THE CITY
OF TORONTO

[Signature]

A Member of The Executive Committee

[Signature]

Deputy City Treasurer

Authorized by Report No. 3 (Item 15)
of the Committee on Public Works
adopted in Council on the 14th
day of FEBRUARY 1977

[Signature]
City Clerk
Feb 22 1977

TORONTO HOSPITALS STEAM
CORPORATION

[Signature]
[Signature]

TORONTO ELECTRIC COMMISSIONERS

[Signature]

Chairman

[Signature]

Secretary

THE GOVERNING COUNCIL OF
THE UNIVERSITY OF TORONTO

[Signature]

Vice-President and Provost

[Signature]
SECRETARY

10902-49-55

Feb-15-77

[Signature]

